

AMENDED IN SENATE APRIL 27, 2010

**SENATE BILL**

**No. 1032**

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**Introduced by Senator Wright**

February 12, 2010

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An act to amend Section 6126.5 of the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1032, as amended, Wright. Corrections: audits and investigations.

Existing law establishes the Office of the Inspector General for the purpose of conducting audits and investigations of the Department of Corrections and Rehabilitation, as specified. Under existing law, the Inspector General may require any employee of the department to be interviewed on a confidential basis. Existing law provides that it is not the purpose of these communications to address disciplinary action or grievance procedures that may routinely occur and that if it appears that the facts of the case could lead to punitive action, the Inspector General shall be subject to specified provisions governing interrogations and investigations of public safety officers.

This bill would include among those provisions applicable to the Inspector General in interviewing employees of the department a provision that makes it unlawful for any public safety department to deny or refuse to any public safety officer the rights and protections guaranteed to him or her concerning interrogations and investigations, ~~and that provides for sanctions against a public safety department that violates this provision~~, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 6126.5 of the Penal Code is amended to  
2 read:

3     6126.5. (a) Notwithstanding any other provision of law, the  
4 Inspector General during regular business hours or at any other  
5 time determined necessary by the Inspector General, shall have  
6 access to and authority to examine and reproduce any and all books,  
7 accounts, reports, vouchers, correspondence files, documents, and  
8 other records, and to examine the bank accounts, money, or other  
9 property of the Department of Corrections and Rehabilitation for  
10 any audit, investigation, inspection, or contemporaneous oversight.  
11 Any officer or employee of any agency or entity having these  
12 records or property in his or her possession or under his or her  
13 control shall permit access to, and examination and reproduction  
14 thereof consistent with the provisions of this section, upon the  
15 request of the Inspector General or his or her authorized  
16 representative.

17     (b) For the purpose of conducting any audit, investigation,  
18 inspection, or contemporaneous oversight, the Inspector General  
19 or his or her authorized representative shall have access to the  
20 records and property of any public or private entity or person  
21 subject to review or regulation by the public agency or public entity  
22 being audited, investigated, or overseen to the same extent that  
23 employees or officers of that agency or public entity have access.  
24 No provision of law or any memorandum of understanding or any  
25 other agreement entered into between the employing entity and  
26 the employee or the employee's representative providing for the  
27 confidentiality or privilege of any records or property shall prevent  
28 disclosure pursuant to subdivision (a). Access, examination, and  
29 reproduction consistent with the provisions of this section shall  
30 not result in the waiver of any confidentiality or privilege regarding  
31 any records or property.

32     (c) Any officer or person who fails or refuses to permit access,  
33 examination, or reproduction, as required by this section, is guilty  
34 of a misdemeanor.

35     (d) The Inspector General may require any employee of the  
36 Department of Corrections and Rehabilitation to be interviewed  
37 on a confidential basis. Any employee requested to be interviewed  
38 shall comply and shall have time afforded by the appointing

1 authority for the purpose of an interview with the Inspector General  
2 or his or her designee. The Inspector General shall have the  
3 discretion to redact the name or other identifying information of  
4 any person interviewed from any public report issued by the  
5 Inspector General, where required by law or where the failure to  
6 redact the information may hinder prosecution or an action in a  
7 criminal, civil, or administrative proceeding, or where the Inspector  
8 General determines that disclosure of the information is not in the  
9 interests of justice. It is not the purpose of these communications  
10 to address disciplinary action or grievance procedures that may  
11 routinely occur. If it appears that the facts of the case could lead  
12 to punitive action, the Inspector General shall be subject to Sections  
13 3303, 3307, 3307.5, 3308, 3309, and *subdivisions (a) to (d),*  
14 *inclusive, of Section 3309.5* of the Government Code as if the  
15 Inspector General were the employer, except that the Inspector  
16 General shall not be subject to the provisions of any memorandum  
17 of understanding or other agreement entered into between the  
18 employing entity and the employee or the employee's  
19 representative that is in conflict with, or adds to the requirements  
20 of, Sections 3303, 3307, 3307.5, 3308, 3309, and *subdivisions (a)*  
21 *to (d), inclusive, of Section 3309.5* of the Government Code.